

**BLUME, FORTE, FRIED,  
ZERRES & MOLINARI, P.C.**  
A Professional Corporation  
One Main Street  
Chatham, New Jersey 07928  
(973) 635-5400  
Attorneys for Plaintiff  
**ATTORNEY ID: 036331984**

---

**CAROLEANN TORONTO,**

Plaintiffs,

vs.

**NEW JERSEY CVS PHARMACY LLC, CVS  
PHARMACY, INC., WARETOWN ALLEN, LLC,  
NEIL APPEL, JOHN DOES 1-10 and JANE DOES  
1-10** (a series of fictitious names describing other  
owners/occupiers, lessors/lessees, management  
companies, managers, agents, employees, agents or  
servants or other individuals who are associated,  
affiliated or employed by any of the foregoing  
defendants whose responsibilities and/or duties include  
the inspection, maintenance and care of the area where  
the plaintiff's accident occurred and **ABC CORP. 1-  
10** (a series of fictitious names describing other  
owners/operators, lessors/lessees, persons/entities,  
natural or corporate who are responsible for  
maintenance, inspection and safety on said premises,  
or who created or caused to be created certain  
dangerous and hazardous conditions that led to  
Plaintiff's injuries)

Defendants.

---

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MIDDLESEX COUNTY  
DOCKET NO. MID-L-

Civil Action

**COMPLAINT, JURY DEMAND,  
DESIGNATION OF TRIAL COUNSEL,  
DEMAND FOR INTERROGATORIES,  
REJECTION OF ANY NOTICES OF  
ALLOCATION, DEMAND FOR INSURANCE  
COVERAGE AND CERTIFICATION**

Plaintiff, **CAROLEANN TORONTO**, residing at 363 Indian Trail Drive, Franklin

Lakes, New Jersey, by way of complaint says:

**FIRST COUNT**

1. On or about May 11, 2021, the plaintiff, **CAROLEANN TORONTO**, was a patron and on the premises of the defendants, **NEW JERSEY CVS PHARMACY LLC, CVS PHARMACY, INC., WARETOWN ALLEN, LLC, NEIL APPEL, JOHN DOES 1-10 and JANE DOES 1-10** (a series of fictitious names describing other owners/occupiers, lessors/lessees, management companies, managers, agents, employees, agents or servants or other individuals who are associated, affiliated or employed by any of the foregoing defendants whose responsibilities and/or duties include the inspection, maintenance and care of the area where the plaintiff's accident occurred and **ABC CORP. 1-10** (a series of fictitious names describing other owners/operators, lessors/lessees, persons/entities, natural or corporate who are responsible for maintenance, inspection and safety on said premises, or who created or caused to be created certain dangerous and hazardous conditions that led to Plaintiff's injuries) located at 452 U.S. Route 9, Waretown, New Jersey.

2. The defendants, **NEW JERSEY CVS PHARMACY LLC, CVS PHARMACY, INC., WARETOWN ALLEN, LLC, NEIL APPEL, JOHN DOES 1-10 and JANE DOES 1-10** (a series of fictitious names describing other owners/occupiers, lessors/lessees, management companies, managers, agents, employees, agents or servants or other individuals who are associated, affiliated or employed by any of the foregoing defendants whose responsibilities and/or duties include the inspection, maintenance and care of the area where the plaintiff's accident occurred and **ABC CORP. 1-10** (a series of fictitious names describing other owners/operators, lessors/lessees, persons/entities, natural or corporate who are responsible for maintenance, inspection and safety on said premises, or who created or caused to be created

certain dangerous and hazardous conditions that led to Plaintiff's injuries) are corporations of the State of New Jersey, are and were at all times mentioned a corporation in good standing.

3. The premises upon which plaintiff was on was owned, operated, maintained, managed, cared for, possessed and controlled by the defendants, **NEW JERSEY CVS PHARMACY LLC, CVS PHARMACY, INC., WARETOWN ALLEN, LLC, NEIL APPEL, JOHN DOES 1-10 and JANE DOES 1-10** (a series of fictitious names describing other owners/occupiers, lessors/lessees, management companies, managers, agents, employees, agents or servants or other individuals who are associated, affiliated or employed by any of the foregoing defendants whose responsibilities and/or duties include the inspection, maintenance and care of the area where the plaintiff's accident occurred and **ABC CORP. 1-10** (a series of fictitious names describing other owners/operators, lessors/lessees, persons/entities, natural or corporate who are responsible for maintenance, inspection and safety on said premises, or who created or caused to be created certain dangerous and hazardous conditions that led to Plaintiff's injuries).

4. It then and there became the duty of the defendants, **NEW JERSEY CVS PHARMACY LLC, CVS PHARMACY, INC., WARETOWN ALLEN, LLC, NEIL APPEL, JOHN DOES 1-10 and JANE DOES 1-10** (a series of fictitious names describing other owners/occupiers, lessors/lessees, management companies, managers, agents, employees, agents or servants or other individuals who are associated, affiliated or employed by any of the foregoing defendants whose responsibilities and/or duties include the inspection, maintenance and care of the area where the plaintiff's accident occurred and **ABC CORP. 1-10** (a series of fictitious names describing other owners/operators, lessors/lessees, persons/entities, natural or corporate who are responsible for maintenance, inspection and safety on said premises, or who created or caused to be created certain dangerous and hazardous conditions that led to Plaintiff's

injuries) by and through their agents, servants and employees to use reasonable care to inspect and make the premises reasonably safe for the plaintiff.

5. Notwithstanding said duty, the defendants, by and through their agents, servants and employees, carelessly, recklessly and negligently caused and/or permitted the plaintiff, **CAROLEANN TORONTO**, to suffer severe and permanent personal injuries, suffer and will continue to suffer great physical and mental pain, lose time from employment, suffer an impairment of earning capacity, require and will in the future be required to undergo medical treatments and/or hospitalizations in endeavoring to be cured of said injuries, has incurred and/or in the future will incur expenses for the treatment of said injuries, has been disabled and will in the future be disabled and not able to perform her usual functions, and was and will be caused to suffer a loss of enjoyment of life.

WHEREFORE, plaintiffs, **CAROLEANN TORONTO**, demand judgment against the defendants, together with interest and costs of suit.

### **SECOND COUNT**

1. Plaintiff repeats the allegations contained in the prior count and makes the same a part hereof by reference and incorporation.

2. Plaintiff's injuries and the manner in which she was injured are such that the instrumentality was under defendants' control, and the injuries would not have been sustained but for the carelessness, negligence and recklessness of the defendants, and their agents, servants and employees.

WHEREFORE, plaintiffs, **CAROLEANN TORONTO**, demand judgment against the defendants, together with interest and costs of suit.

### THIRD COUNT

1. Plaintiff repeats the allegations contained in the prior counts and makes the same a part hereof by reference and incorporation.

2. It then and there became the duty of the defendants, by and through their agents, servants and employees to warn the plaintiff and otherwise make known to the plaintiff the dangers and risks of being on the premises of the defendants.

3. Notwithstanding said duty, the defendants, by and through their agents, servants and employees failed to warn or alert the plaintiff.

WHEREFORE, plaintiffs, **CAROLEANN TORONTO**, demand judgment against the defendants, together with interest and costs of suit.

### FOURTH COUNT

1. Plaintiff repeats the allegations contained in the prior counts and makes the same a part hereof by reference and incorporation.

2. The defendants, **NEW JERSEY CVS PHARMACY LLC, CVS PHARMACY, INC., WARETOWN ALLEN, LLC, NEIL APPEL, JOHN DOES 1-10 and JANE DOES 1-10** (a series of fictitious names describing other owners/occupiers, lessors/lessees, management companies, managers, agents, employees, agents or servants or other individuals who are associated, affiliated or employed by any of the foregoing defendants whose responsibilities and/or duties include the inspection, maintenance and care of the area where the plaintiff's accident occurred and **ABC CORP. 1-10** (a series of fictitious names describing other owners/operators, lessors/lessees, persons/entities, natural or corporate who are responsible for maintenance, inspection and safety on said premises, or who created or caused to be created certain dangerous and hazardous conditions that led to Plaintiff's injuries) created and/or

maintained a nuisance, which nuisance resulted in the injuries sustained by the plaintiff as aforesaid.

WHEREFORE, plaintiffs, **CAROLEANN TORONTO** per quod, demand judgment against the defendants, together with interest and costs of suit.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury as to all issues involved herein.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, **KENNETH W. ELWOOD, ESQ.**, has been designated as trial counsel in the above matter.

**DEMAND FOR INSURANCE COVERAGE**

In accordance with R. 4:10-2, defendants are demanded to provide a complete copy of their applicable liability insurance policies including any excess or umbrella policies with declaration sheets within thirty (30) days of service of this Complaint.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by jury as to all issues involved herein.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, **KENNETH W. ELWOOD, ESQ.**, has been designated as trial counsel in the above matter.

**DEMAND FOR INTERROGATORIES**

Plaintiff demands that defendants answer Form C and Form C(2) interrogatories (and the supplemental interrogatories that will be served) within the time prescribed by law.

**REJECTION OF ANY NOTICES OF ALLOCATION**

Plaintiff rejects any Notice of Allocation asserted by any defendant, whether made pursuant to R. 4:7-5 or otherwise. Plaintiff insists that the details upon which any claim of allocation is based be provided to plaintiff in a timely manner in discovery as is required by Young v. Latta, 123 N.J. 584 (1991).

**DEMAND FOR INSURANCE COVERAGE**

In accordance with R. 4:10-2, defendants are demanded to provide a complete copy of their applicable liability insurance policies including any excess or umbrella policies with declaration sheets within thirty (30) days of service of this Complaint.

**CERTIFICATION**

I hereby certify that this matter is not the subject of any other action pending in any Court or a pending Arbitration proceeding, nor is any other action or Arbitration proceeding contemplated. All parties known to plaintiff at this time who should have been joined in this action, have been joined.

BLUME, FORTE, FRIED,  
ZERRES & MOLINARI, P.C.  
Attorneys for Plaintiff

BY: /s/ *Kenneth W. Elwood*  
KENNETH W. ELWOOD, ESQ.

DATED: May 11, 2022



## Civil Case Information Statement

### Case Details: MIDDLESEX | Civil Part Docket# L-002261-22

**Case Caption:** TORONTO CAROLEANN VS NEW JERSEY

CVS PHARM ACY LL

**Case Initiation Date:** 05/11/2022

**Attorney Name:** KENNETH WILLIAM ELWOOD

**Firm Name:** BLUME FORTE FRIED ZERRES & MOLINARI

**Address:** ONE MAIN ST

CHATHAM TWP NJ 07928

**Phone:** 9736355400

**Name of Party:** PLAINTIFF : Toronto, Caroleann

**Name of Defendant's Primary Insurance Company**

(if known): Sedgewick Claims Management

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by:** Caroleann Toronto? NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

05/11/2022

Dated

/s/ KENNETH WILLIAM ELWOOD

Signed